

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,)
)
Plaintiff,)
)
vs.) CR15-00707-PHX-SRB
) Phoenix, Arizona
) March 11, 2016
Abdul Malik Abdul Kareem,)
)
Defendant.)
)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
GOVERNMENT REBUTTAL CLOSING ARGUMENT
JURY TRIAL - DAY #16

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E X C E R P T O F P R O C E E D I N G S

MS. BROOK: Good afternoon, ladies and gentlemen.

For the last hour-and-a-half the defense counsel has stood before you and time and time again alleged that the government is not here to find the truth and alleged that the government is withholding evidence.

And as he said it over and over again -- bless you -- he made mention to a couple of things.

One, witnesses that you heard from and who called them;

Two, agents' testimony and calling into question their credibility or their motives;

Three, whether or not pretrial interviews were recorded.

Ladies and gentlemen, in this case which lasted four weeks, the government called witnesses and those witnesses were subpoenaed and came here and testified. In the criminal justice system it is the government's burden exclusively to prove to you all beyond a reasonable doubt that the defendant is guilty of a crime.

It is our burden and our burden exclusively.

The defendant doesn't have to say a thing. Doesn't have to do a thing during the course of that trial. But, ladies and gentlemen, make no mistake about it, the defendant has subpoena power too.

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1 So when defense counsel stands before you and says
2 that the government was withholding evidence or the government
3 didn't call absolutely every witness, the defense can call
4 those witnesses too.

5 They made reference to Lupe. If the government -- if
6 the defendant wanted you to hear from Lupe, they have subpoena
7 power too.

8 Defense counsel talked about pretrial interviews and
9 whether or not pretrial interviews in this case were recorded
10 and insinuated that things must have been covered up or the
11 truth did not come out from those interviews.

12 Ladies and gentlemen, Special Agent Whitson testified
13 and was asked specifically about that. The first question he
14 was asked:

15 And in this case have you -- oh --

16 And in any case have you ever recorded pretrial
17 interviews?

18 Never.

19 In your experience what's the general purpose of a
20 pretrial witness interview?

21 So a pretrial interview is an opportunity for the
22 prosecutors to speak with a person who is a potential witness
23 to kind of explain what the process is going to be, what they
24 can expect, and the kind of thing, just to give them a general
25 overview of the process.

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1 And then also to go through the things, the
2 information that they have provided, and make sure the
3 prosecutors have a complete understanding of all of that
4 information.

5 Further, Special Agent Whitson was asked:

6 In every interview conducted in this case, was there
7 an admonition given?

8 In pretrial witness interviews, is there an
9 admonition that was given to every witness?

10 Yes.

11 What is it?

12 It's just to tell the truth. So over any time you go
13 to a pretrial witness interview, that's going to be something
14 that's repeated over and over again to kind of help set them
15 at ease.

16 It's just that at the end of the day when you're on
17 the stand, just tell the truth and then you don't have to
18 think. You just tell the truth.

19 Ladies and gentlemen, defense counsel also talked
20 about the interview on May 5th that wasn't recorded and
21 insinuated that because the security camera footage was not
22 retrieved, that somehow evidence was covered up.

23 Special Agent Whitson testified that never in any
24 case has he ever heard of any agents subpoenaing security
25 camera footage or obtaining it.

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1 And why? Because there's no audio.

2 And also, when you look at the defendant's interview
3 on June 10th of 2015, the video, you can see up high in the
4 corner the security camera footage. And you can see what that
5 angle would reflect; a wide span of the entire room without
6 any facial features or ability to see or decode people's
7 expresses.

8 But at the end of the day, ladies and gentlemen, all
9 of these questions that defense counsel has stood before you
10 and raised are distractions. Distractions to keep you from
11 looking at the evidence that has come from this witness stand.

12 So let's start at the top.

13 Defense counsel started off by having you guys look
14 at the conspiracy instructions and talking about the defendant
15 just being merely present, and therefore, not being culpable.
16 Defense counsel talked about friends, the defendants' friends,
17 that he was around these people but he didn't do anything.

18 Ladies and gentlemen, first, the defendant chose
19 Elton Simpson as his friend. And time and time again, he
20 chose him. For a period of time he wasn't friends with him
21 because he thought that Ibrahim had put some sort of a tracker
22 or a device on his car and he was reporting on him to the FBI.

23 Just think about that for a second. The defendant
24 was afraid that Ibrahim was reporting on him to the FBI.

25 What was the defendant afraid of?

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1 So let's pause for a second and think about the
2 snapshot that that provides into the defendant's mindset.

3 If the defendant knows that Simpson is interested in
4 violent Jihadi material, if the defendant knows that Simpson
5 spends time watching execution videos conducted by ISIS, if
6 the defendant knows that Simpson has been convicted before,
7 but yet over the months before Garland, the defendant is
8 texting Simpson hundreds of times. They're in frequent
9 contact. Even with all of that stuff, they remain close
10 friends.

11 What does that tell you?

12 Well, let's put aside -- let's put into a box the
13 question of what their friendship indicates. Because at the
14 end of the day, the question is: What did the defendant
15 himself do? This case isn't about who he was friends with.
16 It's about what he did.

17 He provided guns to Ibrahim and to Nadir Soofi. He
18 provided ammunition to them. He took them out shooting and he
19 also trained them on how to use their weapons.

20 Ladies and gentlemen, engaging in illegal Backpage
21 purchases of weapons or of ammunition with somebody who had a
22 minimum you know supports ISIS, that in and of it itself tells
23 you about the defendant's choices.

24 The evidence in this case shows that the defendant
25 not only helped and aided his friends who he knew supported

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1 the Islamic State and were intending to act out to attack in
2 the name of the Islamic State, but it also shows that he
3 wanted to attack too.

4 You've heard about the testimony. Him wanting to go
5 into a mall with a bomb and blow himself up. You've also
6 heard the testimony from the days and weeks after the contest
7 was announced and the defendant was talking about wanting to
8 go and shoot up the contest too.

9 Ladies and gentlemen, "mere presence" isn't you
10 buying the bullets that end up on the ground in the scene at
11 Garland, Texas.

12 Aiding and abetting. Let's talk about that as a
13 concept. The defendant is charged with two conspiracies. In
14 Count 1 and Count 5 he's charged with conspiracies.

15 Aiding and abetting applies to Count 1, Count 2, and
16 Count 3. So in Count 1 and 2, the interstate transportation
17 of firearms with the intent to commit a felony, Count 1 is the
18 conspiracy; Count 2 is the actual crime.

19 Obviously, the defendant himself did not drive and
20 transport those weapons to Texas, but he helped. And it is
21 the aid that he provided that makes him guilty of those
22 crimes.

23 But aid how? Defense counsel suggests that when the
24 defendant purchased those weapons for Simpson and Soofi, at
25 that point the contest had not yet been announced. What did

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1 the defendant do after the contest was announced?

2 Well, he went out into the desert and he shot with
3 Simpson and Soofi. He hosted them in his house to talk about
4 the plan to attack the contest. He sat in Soofi and Simpson's
5 living room and he taught them how to disassemble, lubricate,
6 and reassemble those weapons, just as Ali Soofi testified to
7 when he came in here.

8 And defense counsel asked, they said, well, you must
9 be very -- you know, adept with weapons because you certainly
10 described that well. And he responded: I don't own a weapon.
11 I've shot before but I learned from watching.

12 Count 5, additionally, aiding and abetting applies to
13 that count too. You don't have to find that the defendant was
14 part of the conspiracy, that he was part of the plan itself
15 between Simpson and Soofi, although the evidence that has come
16 from this witness stand does show that.

17 All you have to find is that he helped the plan. If
18 he helped the plan while knowing of the plan, what it was, and
19 that was an evolving plan, as we know, it was an evolving plan
20 over 2015 and in the late months of 2014, a plan that first
21 came about talking about wanting to commit hijra, going to the
22 Islamic State, evolved into attacks, attacks that included the
23 United States military bases, recruitment centers, going in to
24 bomb a mall, and in the end it crystallized into Garland.

25 And how did he help? The ways that we've talked

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1 about already.

2 So defense counsel talked about other people, other
3 individuals who may also be responsible or involved. At the
4 beginning of this case, the judge read to you the Indictment.
5 And when she did, it was clear that the "conspiracy" referred
6 to the "defendant and others," others not named, but others.

7 Defense counsel asks you to consider other people;
8 AK, Nurse, and distract you from the evidence that implicates
9 the defendant. He brought before you all the indented letter
10 and he said that the indented letter somehow implicates
11 somebody else.

12 Well, let's talk about that letter for a moment. The
13 indented letter itself was never found. What was found was a
14 piece of paper that was etched over, sent to the lab, and they
15 raised a letter. Let's assume -- or they raised the words
16 from the page.

17 So let's assume, hypothetically, that that letter was
18 found. And let's assume, hypothetically, that Simpson on the
19 eve of the attack gave that letter to somebody else.

20 You have heard hours of testimony in this case from
21 experts; experts who have talked to you about how ISIS is a
22 well-oiled machine and they are trying to mobilize masses of
23 people to attack the United States to support the Islamic
24 State.

25 Implicated in that is the obvious point that a lot of

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1 people are involved. Just because an additional person may
2 also be involved, does not mean that the defendant isn't too
3 involved. There are a lot of people. And the question for
4 you to decide in this case is: Is the defendant guilty?

5 A defense to a bank robbery case isn't: I'm not
6 guilty because when I robbed the bank, I did it with a friend
7 and he's guilty, not me.

8 Just because more people may be responsible or
9 involved or assisting doesn't take away from the defendant's
10 involvement and his capability -- or his culpability for the
11 manner in which he assisted, aided, helped to plan, and put
12 together this attack.

13 Defense counsel also talked, similarly, about the
14 letters from Hassan Jihaad. And we looked at just the letter
15 backings, the outside. There was a letter in 2010, there was
16 a letter in 2012, and a letter in 2014.

17 Two were addressed to Saabir Nurse, the 2010 and the
18 2012 one. The 2014 one was addressed to Elton Simpson. And
19 remember, we opened that letter up. It was written with a
20 typewriter. And what did it say? It was Hassan Jihaad trying
21 to convince Ibrahim to not believe in the Khalifah, to believe
22 in his mindset to support his terrorist group which is
23 al-Qa'ida.

24 Defense is trying to insinuate that there is a
25 conspiracy between somebody who is not ISIS and Elton Simpson.

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1 You can see the letter. The letter is in evidence. Again,
2 these are distraction techniques.

3 Defense counsel talked about Nathaniel and focused on
4 just one part of what Nathaniel said, while excluding and
5 ignoring all of the other pieces of Nathaniel's testimony.

6 What Nathaniel testified to is that this plan came
7 together in February. This plan came together months before
8 the attack.

9 Now, when asked on the stand if he knew Malik, he
10 said he had seen him. Nathaniel had testified that when he
11 was at his dad's house, it was weekends and he spent a lot of
12 time with his dad. Make no mistake, it came out clearly from
13 Nathaniel when he testified that him and his father keep some
14 really big secrets.

15 His dad had told him as a secret that he was going to
16 go attack Garland. He talked to him about the bullets and not
17 leaving fingerprints. He showed him the gun. And he imparted
18 upon him the information that he might not come back and he
19 was going to kill Americans.

20 That was a secret between him and his dad. A secret
21 he was not even allowed to tell his mom.

22 Defense counsel insinuates that if Nathaniel knew
23 this information, that obviously, he would have to equally
24 know information about the defendant. Let's just think about
25 that for a moment in terms of common sense.

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1 First, Nadir Soofi is obviously a very complicated
2 individual, an individual who was mentally okay with
3 committing jihad, martyring himself in order to kill masses of
4 Americans. So getting in his head to understand exactly why
5 he did what he did is a challenge.

6 But let's think about common sense. What Nadir does
7 know is that Nathaniel is not going with him. Nathaniel is
8 staying here. Which means, when and if Nadir does die while
9 committing this jihad, the FBI and the police are going to
10 come and find Nathaniel and talk to him.

11 Does it make sense that he would impart upon this
12 8-year-old information about co-conspirators and their
13 identity, individuals who were not going with him to commit
14 the attack?

15 Similarly to Ali, Nathaniel and Soofi in that house,
16 along with the defendant, only extended certain information to
17 certain people. Ali knew that the defendant, Simpson, and
18 Soofi all supported ISIS. He knew that they watched those
19 videos. He knew that the defendant wanted to kill kafirs.

20 But what didn't he know? He didn't know about any
21 attack plans. And strategically, he didn't know that. Nadir
22 was not going to impart that information on him, nor the
23 defendant, nor Simpson, because all he has to do as an adult
24 is just pick up the phone and call 911. And additionally, if
25 he didn't do that, he would call his parents.

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1 Common sense tells us that Nathaniel only knew what
2 his dad wanted him to know.

3 Defense counsel talked to you about Sergio and
4 questioned Sergio's role in this. Why was Sergio necessary to
5 go out to the desert to shoot? And it brings up a corollary
6 point.

7 Defense counsel at the end thought it was odd, the
8 question that was asked to the defendant about shooting in the
9 desert by the agents on May 5th. Obviously, the defendant is
10 a convicted felon. Simpson is a convicted felon. So they're
11 not going to head off to the local range in order to shoot.

12 The desert is the obvious place where they would
13 shoot if they're going to shoot.

14 But "Where in the desert?" is the question. Sergio
15 testified that the summer before -- so the summer of 2014,
16 that he was at a birthday party at his mother's house and that
17 the defendant and Ibrahim were there too. And it became clear
18 at that birthday party that behind mom's house you couldn't
19 fire rifles, that they were too loud. The defendant knew
20 that. And in January, the defendant sought out Sergio to help
21 him find a remote spot in the desert to shoot. And he did.

22 You can see from the evidence from the Wittmann scene
23 that he shot and he shot there with the weapons that were used
24 to conduct the attack.

25 But, ladies and gentlemen, obviously, at that point

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1 Sergio wasn't needed again. Sergio had taken the defendant
2 and Simpson and Soofi -- and by "taken," I mean shown, because
3 the defendant himself drove Simpson and Soofi in his car to
4 the shooting area.

5 It was a remote location. It was in Wittmann, an
6 area where there are lots of remote locations as the witnesses
7 testified to about the desert area out there.

8 So at that point he had given the defendant all he
9 needed, those remote locations in the desert. We have heard
10 that the defendant, Simpson, and Soofi proceeded over the
11 following months to continue to go shooting out in the desert
12 together. We have heard that from Ali. We have heard that
13 from Mubarak. We have heard that from AK. And Verdugo talked
14 about all the times that they went shooting together.

15 Obviously, ladies and gentlemen, not all criminals
16 are masterminds. And in this case, Simpson, Soofi, and the
17 defendant have left behind a lot of clues. And in this case
18 they utilized Sergio for what they needed, which was to find
19 that desert location. And he gave it to them and then the
20 defendant could continue to go shooting with Simpson and Soofi
21 and practice their shot in anticipation of the attacks that
22 they were planning to make over those months in 2015.

23 Defense counsel suggests that you can't trust
24 Verdugo. You know, ladies and gentlemen, it would be great as
25 a prosecutor to come in here and to put on witnesses in any

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1 case who were maybe two nuns and a school teacher. The
2 defendant was friends with Verdugo. It was the defendant's
3 friendship with Verdugo that made Verdugo a witness in this
4 case.

5 Defense counsel has insinuated benefits and we've
6 talked about those. And at the end of the day, it is up to
7 you all to determine the credibility of any witness based upon
8 a lot of factors.

9 And one of them is corroboration; to look for
10 corroboration of witnesses' testimony to determine whether or
11 not what they are saying bears truthfulness.

12 With Ali, the corroboration -- I'm sorry -- with
13 Verdugo, the corroboration is Ali. Two men. They don't know
14 each other. They have never met. They live in different
15 places, but yet they report the exact same thing about the
16 defendant.

17 They report that the defendant was watching the ISIS
18 execution videos. They report that the defendant kept saying
19 he wanted to kill kafirs. They both report that during 2015,
20 the defendant and Simpson and Soofi went shooting together in
21 the desert and they both talk about the defendant's reaction
22 to the Charlie Hebdo attack.

23 Defense counsel suggests that you can't trust Verdugo
24 because of the absence of a recorded call which somehow talked
25 about the attack or had the defendant make an admission about

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1 the attack.

2 Ladies and gentlemen, from the evidence that's come
3 from this witness stand, it's clear that the defendant is
4 paranoid of law enforcement.

5 What did he say to James Sampson in his first or so
6 call after he found out from Stuart that Ibrahim was likely
7 dead in the attack that he knew was going to take place -- and
8 we're going to get to that in a second. He said: I can't
9 talk to you about this on the phone.

10 Is it logical then to infer that he's going to make
11 admissions on the phone with anybody or Verdugo?
12 Corroboration with Verdugo.

13 You also look to Juan. And a small detail, but an
14 important one, Verdugo testified about the mirrors inside the
15 Cochise house of the defendant's, that house that he lived in
16 up until the middle of March of 2015, the one where Juan and
17 Carlos lived across the street.

18 He talked about how the defendant had hung mirrors so
19 that he could see from one room into the other rooms.

20 When the defendant testified, he testified that the
21 room in the Cochise house that he spent the most time in was
22 the prayer room.

23 And then Juan. Juan testified that it was through
24 those angled mirrors that he stood in the hallway on that very
25 first time that he heard the defendant talk about the Garland

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1 contest and his desire to shoot it up. He stood there in the
2 hall and he saw the words come out of the defendant's mouth by
3 looking in that angled mirror where he could see him into the
4 prayer room.

5 One last point about Verdugo. James Sampson, the
6 defendant's own brother. What did he say about Verdugo back
7 in June? We heard the recording two days ago. And he said:
8 He's a good kid. He tries to help to fix things that he
9 doesn't know how to, like refrigerators, but he's a good kid.

10 Defense counsel talked at length and called Ali a
11 liar. And, again, ladies and gentlemen, you are the judges of
12 credibility in this case and you exclusively. Defense counsel
13 talked about how Ali disclosed information about the
14 defendant. And he said that the manner in which he disclosed
15 the information means that you can't trust the information and
16 he is not telling the truth.

17 Well, what did Ali say?

18 Initially, did you tell the FBI about Malik?

19 No. No, I didn't. No.

20 Did you deliberately not tell them about Malik?

21 Yes.

22 Why?

23 I mean just from my -- you know, generally meeting
24 somebody, you know, the vibe you get off of people and the
25 general actions of somebody, you can tell, you know, how

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1 violent a person is over what they're capable of.

2 I mean just from stories that I have heard, instances
3 that he was involved in, just the general, you know, the
4 feeling of the person. You know, that you just feel what
5 they're capable of.

6 Eventually, did you tell them?

7 Yes, after I had gone to my brother's funeral and I
8 was interviewed in Kansas.

9 Additionally, he was asked:

10 Did you hold back information because of your fear of
11 people that Malik was associated with?

12 His response: Yes.

13 So let's talk about that. Ali testified about his
14 fear of the defendant and other people, about his fear that
15 they would come after him for retaliation or come after him --
16 them -- him to make them join him.

17 He talked about that fear.

18 And what brought home that fear for Ali? What we
19 learned during AK's testimony.

20 We learned during AK's testimony that in the hours
21 after the attack in Garland, AK called Ali.

22 And he told Ali: Do not talk to the police.

23 He made that call because Malik told him to make that
24 call.

25 Not only was he afraid of Malik because of him being

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1 physically afraid of him or afraid he might get hurt, but
2 Malik had made sure that Ali wouldn't talk by reaching out to
3 him in the hours after his brother was killed to send the
4 message.

5 And, ladies and gentlemen, if the defendant wasn't a
6 co-conspirator with Simpson and Soofi, if the defendant wasn't
7 in the house with Simpson and Soofi and Ali, how would he ever
8 know Ali? How would he ever know Ali's phone number? And
9 most importantly, why in the world would he care what Ali told
10 to the police unless he knew that he had to cover his tracks,
11 because he knew what Ali had seen of him.

12 Ali had known about his support for the Islamic
13 State, about how he had talked about wanting to kill kafirs.
14 Ali knew the defendant and the defendant reached out through
15 AK to make sure he didn't talk.

16 Defense counsel -- we're going to get into this
17 briefly -- defense counsel talked a lot about the timing of
18 individuals, how the individuals who testified talked about
19 time and equated how they were able to report a time that an
20 event happened, or whether or not that individual was telling
21 the truth.

22 And he put on the overhead a page from Ali's
23 transcript. And he said see, Ali here in this transcript says
24 that it was between March -- or February and March that Nadir
25 Soofi came back with that weapon and talked about the

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1 defendant giving him the money to buy it.

2 Page 29 on direct examination, what did Ali say?

3 The defendant said, oh, well, you know --

4 Or defense counsel said Ali was wrong about the
5 timing. It was, you know, February or March. That's the
6 reason why it's inconsistent and you can't understand or test
7 his credibility.

8 In the beginning he said this:

9 I want to talk about other weapons. At some point
10 did your brother come home with an AK style weapon?

11 His response: Yes. He had come home with a full
12 body AK.

13 Do you remember when that was?

14 It was roughly four months before the incident.

15 So roughly around January?

16 Around January time.

17 It was on cross-examination when asked was it
18 February or March, he said: I think so.

19 Let's talk about timing. Defense counsel has argued
20 to you that you can't trust Juan's testimony. You can't trust
21 Carlos's testimony or any other adult who may not have the
22 timing of an event correct. You can't trust them about the
23 substance of what they heard.

24 Ladies and gentlemen, common sense tells us that with
25 children and with some adults, they're not great with dates

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1 and they're not great with times. And that inability to
2 pinpoint actual dates or times doesn't have any bearing upon
3 their clear memories of significant events that have happened
4 in their lives.

5 So, children may not remember exactly when they went
6 to Disneyland or when they went to Legoland or when they went
7 to their friend's birthday party, but they do remember being
8 at their friend's birthday party. They remember the
9 significant events like the first time they road on the
10 Matterhorn or taking that picture with Mickey Mouse.

11 Kids are kids. And they may not remember exactly
12 when something happened. For instance, a child may clearly
13 remember a clown that was at her best friend's birthday party
14 when she was a kid. She remembers the red pants that they
15 were wearing, that crazy yellow hat, the big scary eyes, and
16 at 19 can still talk about that clown.

17 But if you ask her: Was that in the fall or in the
18 spring or did that birthday party happen in the morning or the
19 afternoon? And all bets are off.

20 Mr. Maynard is a very skilled cross-examiner and he
21 did a very good job confusing children and even some of the
22 adults on time.

23 At the end of the day the question is: Did the
24 substance of the events that they reported, the significant
25 events that they heard in their life, did the substance of

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1 those events stay the same and stay consistent?

2 And, again, ladies and gentlemen, you look to the
3 corroboration. I'm not going to belabor the point at this
4 stage, but there are a couple of key details.

5 One is this:

6 Juan and Carlos. Brothers. Did they testify to the
7 exact same memories? Or did each of them testify to
8 individual and distinct memories that they had? Did each of
9 them testify that they hadn't spoken to the other about the
10 memories that they had?

11 The corroboration is in those details, the way in
12 which they can report what happened based on what else was
13 going on and the memories they have, the totality of the
14 events.

15 And one quick one with Carlos was Fox News. When he
16 talked about the Jordanian pilot being burned alive, when he
17 talked about waking up because of the obnoxious laughter of
18 the defendant who then came in and got him and brought him
19 into the other room to watch that man burn alive. He said he
20 saw it on Fox News.

21 And what did Evan Kohlmann testify to? That the only
22 network that actually released that footage was Fox News. It
23 was scandalous. And it was, you know, something maybe there
24 was some backlash for Fox for doing, but nonetheless, those
25 are the details, the corroborating details to look for.

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1 I have a couple more quick points and I know it's
2 been a long day, so we'll move quickly through it.

3 Defense has made a big deal out of the defendant's
4 reaction, his reaction to learning that Ibrahim had been
5 killed, that reaction at Red Lobster and in the hours
6 afterwards.

7 On one hand he said he was too upset. Right? The
8 defendant was too upset to have been part of the plan because
9 he wouldn't have been a jihadist if he was upset. Or he
10 wasn't happy enough, something similar, along those lines.
11 Made a big deal out of his reaction. Highlighting, as the
12 defense is arguing, that he was unaware.

13 Well, let's take a closer look at what happened in
14 those hours after the defendant learned that after the plan he
15 had put into play, Ibrahim had predictably died.

16 What happened? He's sitting at Red Lobster. He gets
17 the call. The call comes from Stuart. Stuart lets them know
18 that the news is calling because Ibrahim has been involved in
19 a shoot-out and it's everywhere. It's all over the news.

20 Was the defendant's reaction the same as the
21 emotional display you all saw a few days ago? Was he welled
22 up? Was he sad? No. He called the waiter over. He told you
23 from his own testimony: I called the waiter over and asked
24 him to box up my food to go.

25 Additionally, look at the text messages. How did the

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1 defendant respond in those hours after?

2 You will see when you look at these records that the
3 defendant was in these hours -- so 8:30, 8:21 on May 3rd,
4 receiving texts from an individual who was doing some postings
5 for him as you can read from the text messages that continue:

6 Are you there?

7 And then he texted him back at 8:46.

8 Brother, call me.

9 Again, sending to the same number, a phone number,
10 and then:

11 Brother, why don't you call me back?

12 Again, continuing this discussion with him in the
13 early morning hours:

14 Hello brother.

15 He gets a message.

16 Now I'll post your ads.

17 He responds, doing these business-as-usual text
18 messages:

19 Okay brother. Please post. Okay brother. Please
20 post.

21 And you can see that ads were posted.

22 And then as those hours continued, him negotiating
23 other pick-ups, business pick-ups, with somebody who he was
24 doing a job with.

25 The other reason that you know through these text

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1 messages is his effort to silence Ali. And you see that
2 through the exchange that he has here with AK:

3 Text me the dang number already.

4 And he does.

5 And we know what AK then did on his behalf.

6 Dr. Vidino testified about how individuals
7 predictably respond to circumstances and act in these
8 situations in order to act in accordance with how people would
9 anticipate them to act.

10 As we wrap up, look to the defendant's statements
11 that he made on the stand. Did the defendant lie?

12 Mr. Koehler talked at length about it before and I'm
13 just going to highlight a couple quick points.

14 Defense counsel stood before you and said: Look at
15 the chiropractic documents. They support the defendant. And
16 as you look at those documents, the question is: Who wrote
17 them and for what purpose?

18 But at the end of the day, let's look at some other
19 lies that the defendant made on the stand and why.

20 One of them he testified that in the month of April,
21 he only saw Ibrahim twice. He said once was on the 6th and
22 once was on the 22nd and those were the only two times.

23 So are there pieces of evidence that you have that,
24 even from just these evidence, you can see that that is a lie?

25 Text messages between the defendant and Ibrahim on

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1 April 12:

2 Question -- or message sent:

3 I want to know if you want me to pick you up on the
4 way. Dinner is ready.

5 To which he responds -- Simpson responds:

6 Okay. You can. Insha Allah. Okay.

7 Did the defendant talk about them seeing each other
8 that day? Or the next day?

9 I'll come and get you.

10 Okay.

11 Text from Kareem.

12 Simpson: Insha Allah.

13 Kareem: Okay. I'll be right there.

14 Brother I'm outside.

15 Okay.

16 Ladies and gentlemen, you also heard from Mustafa
17 Hassan who said on April 30th he saw the defendant with
18 Ibrahim at that restaurant.

19 And these are just the pieces of evidence left behind
20 about their connection which the defendant lied about when he
21 sat there.

22 At the end of the day, the question is this:

23 Why would a man engage in illicit Backpage ammunition
24 purchases with Ibrahim? Why would he provide Simpson and
25 Soofi guns? Why would he take them shooting over and over

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1 again? Why would he teach them how to maintain and to keep
2 their weapons?

3 Why? Because he knew that Simpson and Soofi were
4 ISIS supporters. He too supported the Islamic State. And he
5 wanted to help them act and attack and kill kafirs in the name
6 of ISIS to support the Islamic State.

7 The evidence in this case has come from the witness
8 stand and it has come from numerous different places, numerous
9 different witnesses, people who have been eyewitnesses and
10 have seen and heard and testified.

11 And the instructions tell you that at the end of the
12 day, there's not any one number of witnesses that you need to
13 look for.

14 You have heard from multiple witnesses who explain
15 and recount the defendant's attachments, his affiliation, and
16 his ideology. And the fact that he wanted to attack America
17 in order to support the Islamic State.

18 Ladies and gentlemen, we ask you to hold the
19 defendant accountable and to find him guilty of all five
20 counts.

21 Thank you.

22 (End of Excerpt of Proceedings.)

23 * * *

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 26th day of May, 2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE